



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO. 941 OF 2024

ANIL BAPU MORE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Applicant : Mr. Bharat S. Doifode
APP for Respondents No.1 and 2 : Ms. D. S. Jape
Advocate for Respondent No.3 : Mr. Y. L. Bidve
...

CORAM : S. G. MEHARE, J.

DATE : 25-07-2024

PER COURT :-

1. Mr. Bidve, learned counsel has instructions to appear for respondent No.3.
2. Heard learned counsel for the applicant, learned A.P.P. for respondents/State and learned counsel for respondent/victim.
3. The applicant seeks bail in C.R.No.14 of 2024 registered with Soygaon Police Station, District Aurangabad, for the offences punishable under Sections 363, 366A, 376(2)(i)(n) of the Indian Penal Code and Sections 4, 6, 8, 12 of the Protection of Children from Sexual Offences Act.
4. The mother of the victim has lodged the report on 21.01.2024 about missing of the victim. The police were taking search. The victim and the accused found together at village Rahu

Taluka Yawal. They were apprehended on 16.02.2024. Her statement was recorded on the same day i.e. on 16.02.2024, in which she stated that she had acquaintance with the applicant for last two years and their acquaintance turned into love. She stated that the applicant stayed with her for about 20 days at different places. The applicant has been arrested on 17.02.2024.

5. Today, the mother of the victim filed an affidavit that the matter has been settled.

6. Learned A.P.P. has strongly opposed the affidavit, contending that mother could not file affidavit that matter is settled unless the victim has consented for the same. Hence, the affidavit should be discarded. She further submits that the victim was 15 years old at the time of the incident. Her consent is immaterial. She was not able to take appropriate decision. The offence is serious. Hence, the application may be dismissed.

7. Learned counsel for the victim is relying on the instructions of her mother.

8. Perused the application.

9. Undoubtedly, the victim herself stated that she went with accused and stayed for 20 days with him. Her statement was recorded. She stated in her statement that they were residing as husband and wife. She was 15 years old and seems able to take

appropriate decision. The question, whether the sexual assault was forceful is a matter of appreciation of evidence. Considering the facts in-toto, the Court is of the view that further detention of the applicant would serve no purpose. Hence, the order :-

ORDER

- i) The application is allowed.
- ii) Applicant Anil Bapu More be released on bail, on furnishing PB and SB of Rs.50,000/-, with one solvent surety of the like amount, in the above crime for the aforesaid offences, on the conditions that,
 - (a) He shall not tamper with the prosecution witnesses.
 - (b) He shall not contact the victim till the trial is concluded.
 - (c) He shall attend the trial on each and every effective date.

**(S. G. MEHARE)
JUDGE**

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